

Ontario County Regulatory Compliance Plan

Adopted by Board of Supervisor Resolution #57-2003

Amended: by Res #443-2008; Res #329-2009; Res #551-2011; Res #761-2017; Res#683-2023

I. Preamble and Statement of Intent

Ontario County (also referred to as the “County”) is committed to providing services of the highest quality and to being in full compliance with all federal, state and local laws, regulations and to adhere to the policies adopted by the County Board of Supervisors. It is also the County’s policy to facilitate the prevention of improper or illegal activities, to provide mechanisms to detect any violations of laws, regulations, and policies and work to prevent, detect, and investigate issues related to fraud, waste, abuse, or other violations. To ensure this, Ontario County has established this Compliance Plan and commits to maintaining an effective Compliance Program, which fosters an organizational culture that promotes responsible and honest conduct, transparency in all business transactions, and adherence to the laws and regulations of the government oversight agencies and funders.

This Regulatory Compliance Plan (hereafter “this Plan”) is intended to ensure that all County officers, employees (both full and part-time), elected officials, volunteers, student interns, contractors, consultants, temporary workers, and other agents of the County (collectively referred to as “Affected Individuals”) will comply with the law and report official misconduct in whatever form it may take, so that it may be promptly and thoroughly investigated and appropriate corrective action taken. This Plan is also intended to protect those who in good faith report suspected misconduct from retaliation or intimidation.

II. Statement of Commitment to Ethical Standards

In addition to compliance with all applicable laws, the County is committed to conducting its affairs with integrity based on sound ethical standards and will hold all Affected Individuals to these same standards. Public office and public employment are positions of public trust, and Affected Individuals are expected to provide a high level of service that at least meets, if not exceeds, legal requirements. Ontario County is committed to maintaining and measuring the effectiveness of our Compliance Program and Standards of Conduct through monitoring and auditing systems reasonably designed to detect noncompliance by Affected Individuals.

Ontario County is committed to the prevention of improper or illegal activities and to provide mechanisms to detect noncompliance, including but not limited to, any violations of laws, regulations, healthcare program requirements, the Standards of Conduct and Ontario County’s policies and procedures. The County is committed to the prompt investigation and resolution of reported or detected noncompliance.

Ontario County is committed to the performance of regular, periodic compliance audits by internal and/or external auditors who have expertise in sound financial practices, Federal and State healthcare statutes, regulations, and healthcare program requirements.

III. Duties of All Affected Individuals

It is the duty and responsibility of all Affected Individuals to report any instances of suspected or known non-compliance with laws or regulations, or other forms of official misconduct, to their immediate supervisor(s), the County Administrator or the County Compliance Officer (hereafter “CO”). Reports related to harassment, discrimination or other workplace-oriented issues will be referred to Human Resources.

Affected Individuals shall neither participate in non-compliant behavior nor shall they encourage, direct, facilitate or permit non-compliant behavior to occur in the course of Ontario County operations. Adherence to this Plan shall be a factor in evaluating the performance of all Affected Individuals.

IV. Policies and Procedures and Standards of Conduct

Ontario County will communicate its compliance standards and policies through required training and communication initiatives and distribution of this Compliance Plan and the Standards of Conduct to all Affected Individuals.

V. Reporting, Investigation, Non-Retaliation and Non-Intimidation

Affected Individuals who reasonably suspect or know of non-compliance or official misconduct must promptly report to his/her immediate supervisor. Failure to report suspected noncompliance, participation in non-compliant behavior or encouraging, directing, facilitating or permitting non-compliant behavior will be grounds for disciplinary action, up to and including termination. If a supervisor fails to act upon a report of non-compliance, or fails to do so in a timely manner, such supervisor shall be subject to appropriate discipline.

If the supervisor is not available, or the reporter has reason to believe that the supervisor or department head is a party to the alleged misconduct, or if the suspected violation presents an immediate or serious danger to the public health or safety, then the reporter shall contact the CO and/or the County Administrator. In addition, any person may submit a report of non-compliance via the County's compliance "hotline" at (866) 951-9367. The County will accept and investigate anonymous reports of non-compliance.

Any person who makes a good faith report of suspected or known non-compliance or official misconduct shall be given all of the protections afforded under state and federal laws. Any individual who threatens, intimidates or engages in reprisal against a person who acts pursuant to his or her responsibilities under this Plan shall be subject to disciplinary action, up to and including termination.

Any supervisor receiving a report of suspected or known non-compliance shall promptly inform the CO, and coordinate with the CO regarding investigation of the report. The CO shall report to the Compliance Committee (hereafter "CC") and appropriate committees of the County Board of Supervisors regarding each investigation conducted. Any questions or concerns relating to potential non-compliance by the CO must be reported immediately to the County Administrator.

If the CO and/or County Administrator determine that there is a reasonable basis to suspect that an act of non-compliance has occurred, the matter shall be referred to legal counsel and/or law enforcement, who may conduct further investigation if warranted. Appropriate corrective action shall be taken.

Regardless of whether further action is taken, the CO shall maintain a record of all compliance investigations. To the extent allowed by law, such records will be considered confidential and/or privileged, and will not be released without the prior approval of the County Administrator in consultation with legal counsel.

This Plan will be enforced through appropriate disciplinary mechanisms, consistent with the law and the County's various collective bargaining agreements. Any discipline, and the grounds therefore, will be appropriately documented in the employee's personnel file. The County Human Resources department shall maintain a record of all disciplinary actions taken pursuant to this Plan, and will report annually to the County Board of Supervisors regarding such actions.

County Department heads or their designees may confer with, and/or have proposed submissions to regulatory authorities reviewed by, the County's legal counsel before such communication is conveyed to regulators, and counsel may be included in conversations with regulatory authorities regarding compliance issues.

VI. Compliance Officer

The County Board of Supervisors designates the County Director of Human Resources as the County's Compliance Officer. In the absence of the Director of Human Resources, the Deputy Director of Human Resources, or such person as is designated by the CO, will act as the CO. The CO shall report directly to the County Administrator, and shall make periodic reports, at a minimum on a quarterly basis, to the County Board of Supervisors.

The CO shall be responsible for the day-to-day operation of the County's compliance program. Responsibilities of the CO shall include:

- (a) primary facilitation of the Compliance Committee;
- (b) oversight of the monitoring of County-wide compliance with this Plan;
- (c) oversight of the development and execution of the annual Compliance Work Plan and annual Report Card of compliance activities;
- (d) recommending periodic amendments and modifications to this Plan and the policies to the County Board of Supervisors as appropriate;
- (e) ensuring the publication of this Plan and policies on the County's website;
- (f) oversight of internal reviews to monitor the effectiveness of compliance standards and reporting to the CC and the County Board of Supervisors regarding the same;
- (g) guidance of Affected Individuals regarding regulatory compliance, such as development of internal systems and controls, and internal monitoring procedures;
- (h) oversight of implementation of training programs for new and existing Affected Individuals regarding compliance obligations;
- (i) oversight of the operation of the compliance reporting system;
- (j) oversight of the timely completion of compliance investigations and appropriate institutional responses; and
- (k) advocate for the allocation of sufficient funding, resources and staff for full performance of duties and an effective compliance program; and
- (l) dissemination of information regarding changes in the regulatory environment as appropriate to County departments and the Board of Supervisors.

VII. Compliance Committee

The County Board of Supervisors, upon recommendation by the Governmental Operations and Insurance Committee, shall appoint, and remove as desired, the members of the Compliance Committee, who shall, at a minimum, be senior managers in the County. The CC shall assist the CO in carrying out his/her duties as described above. The CC shall meet no less frequently than quarterly and annually review and update the compliance plan.

VIII. Monitoring Reviews

The County is committed to maintaining and measuring the effectiveness of its compliance policies through monitoring systems reasonably designed to detect non-compliance by Affected Individuals or others. To this end, periodic compliance reviews by qualified internal and/or external personnel shall be conducted to assess, among other topics:

- (a) risk levels within County departments,
- (b) internal controls and review of external audits,
- (c) relationships with third-party contractors, especially those with substantive exposure to government enforcement actions

- (d) documentation and billing relating to claims made to federal, state and other payors for reimbursement; and
 - (e) effectiveness of any corrective action plans in meeting applicable standards.
- Internal review findings will be reported to the CC as reviews are completed. The CO will report review findings to the County Board of Supervisors and/or the appropriate committee of the Board of Supervisors.

All department heads will immediately notify the CO and/or County Administrator in the event of any non-routine visits, audits, investigations or surveys by any outside governmental agency or authority. Copies of any notice(s) of intent to audit received by any County department from any outside governmental agency or authority shall be promptly sent to the CO.

IX. Disclosures and Background Investigations

Pursuant to applicable law and as otherwise appropriate, the County will conduct a background investigation and reference check as part of the pre-employment process. All Affected Individuals shall cooperate with background investigations or exclusion screening as consistent with the law.

Affected Individuals may be subject to state and federal ethics laws and the Ontario County Code of Ethics, and may be required to file annual financial disclosure conflict of interest statements.

X. Communication and Training

The County shall publish this Plan on its website and incorporate it into the new employee orientation. The County shall also educate County officials and employees on this Plan through participation in mandatory training programs on an annual basis. Such training shall include prohibitions against official misconduct and conflicts of interest; the duty to report suspected or known misconduct; non-retaliation and non-intimidation against persons who in good faith report suspected or known misconduct. Individual County departments may also receive training on department-specific risk and enforcement topics. Participation in compliance training sessions is mandatory and failure to participate in required compliance training will result in disciplinary action, as appropriate. The training plan will be reviewed by the Compliance Officer and Compliance Committee and updated as needed, but at minimum on an annual basis.

Training participation will be documented by County department heads and/or the County Human Resources Department and reported to the CC on a semi-annual basis. The CO will ensure that periodic internal reviews of adherence to this standard are completed and reported to the CC.

As part of new employee orientation, each Affected Individuals shall receive a written copy of the Compliance Plan and Standards of Conduct and be provided access to all other Compliance Program Policies and Procedures.